



# Michigan's Judiciary

## Review of Authority & Initiatives

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State Court Administrator Tom Boyd

Michigan House of Representatives Criminal Justice Committee

January 31, 2023



## § 1 Judicial power in court of justice; divisions.

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- Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, the **judicial power of the state is vested exclusively in one court of justice** which shall be divided into one supreme court, one court of appeals, one trial court of general jurisdiction known as the circuit court, one probate court, and courts of limited jurisdiction that the legislature may establish by a two-thirds vote of the members elected to and serving in each house.



## § 3 Chief justice; court administrator; other assistants.

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- One justice of the supreme court shall be selected by the court as its chief justice as provided by rules of the court. He shall perform duties required by the court. **The supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state. The administrator shall perform administrative duties assigned by the court.**



## § 4 General superintending control over courts; writs; appellate jurisdiction.

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- Except to the extent limited or abrogated by article IV, section 6, or article V, section 2, **the supreme court shall have general superintending control over all courts**; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court shall not have the power to remove a judge.



## § 5 Court rules; distinctions between law and equity; master in chancery.

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- The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state. The distinctions between law and equity proceedings shall, as far as practicable, be abolished. The office of master in chancery is prohibited.



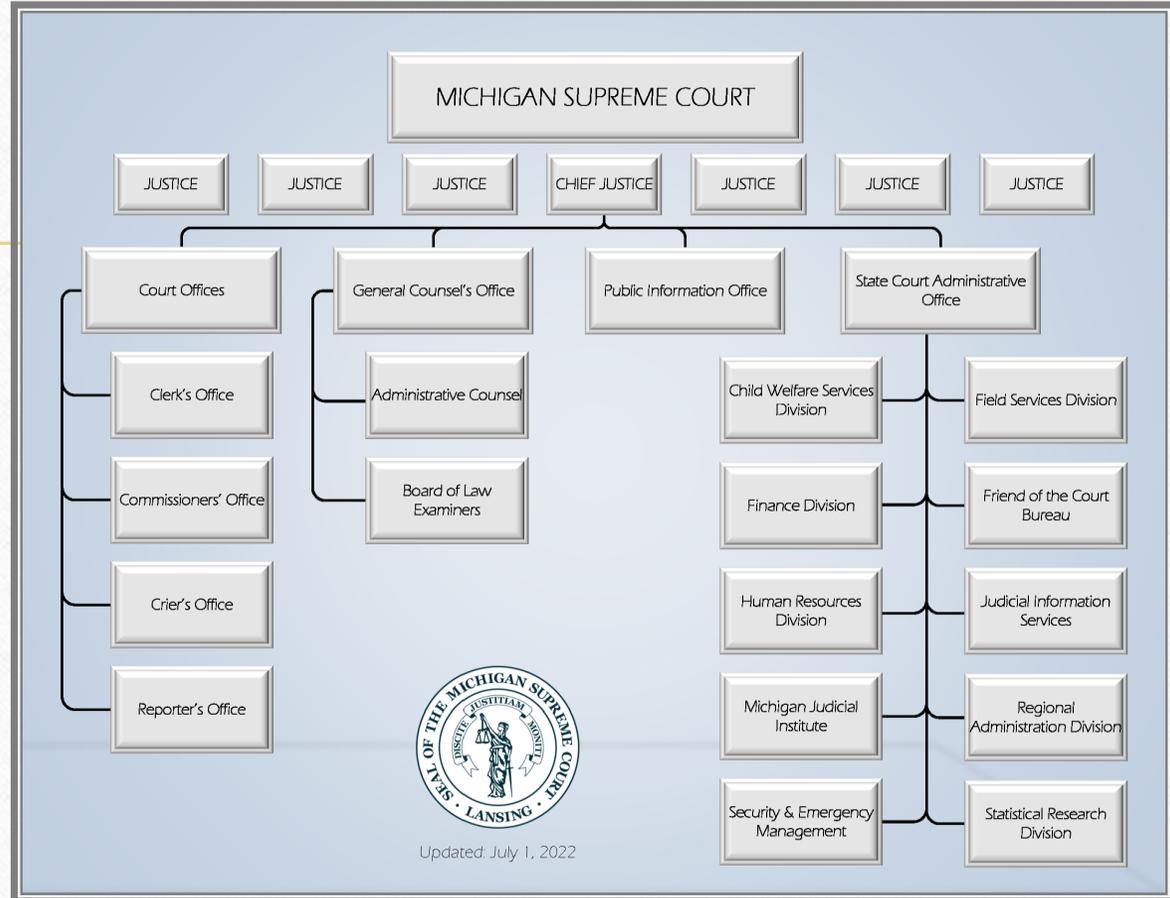
## § 7 Staff; budget; salaries of justices; fees.

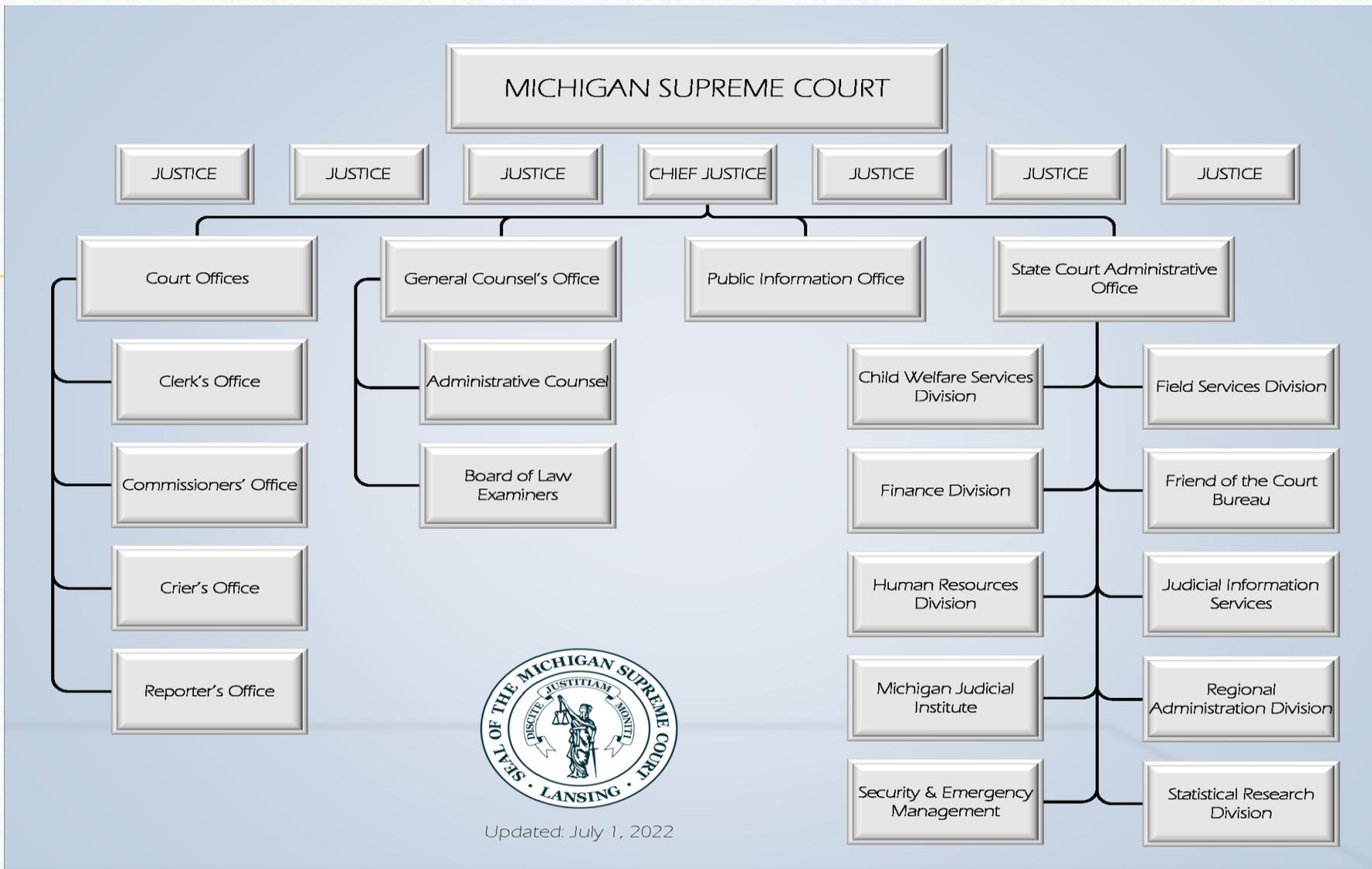
- **The supreme court may appoint, may remove, and shall have general supervision of its staff.** It shall have control of the preparation of its budget recommendations and the expenditure of moneys appropriated for any purpose pertaining to the operation of the court or the performance of activities of its staff except that the salaries of the justices shall be established by law. All fees and perquisites collected by the court staff shall be turned over to the state treasury and credited to the general fund.



## Article VI, Section 3

“The supreme court shall appoint an administrator of the courts and **other assistants of the supreme court as may be necessary to aid in the administration of the courts of this state.** The administrator shall perform administrative duties assigned by the court.”





Updated: July 1, 2022



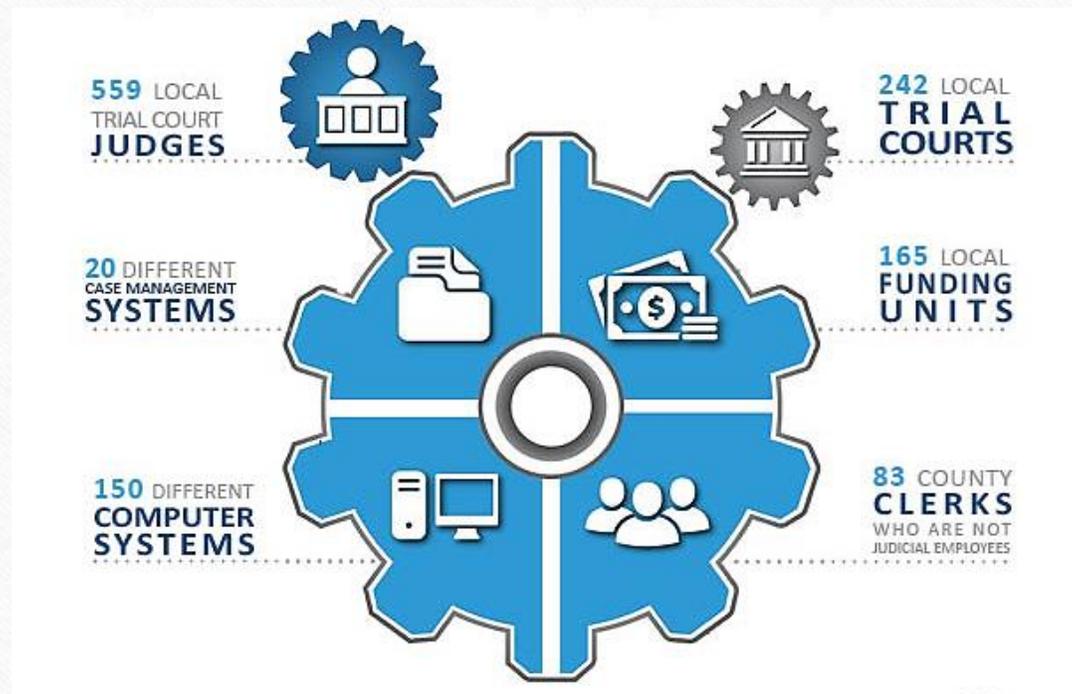
# Justice System Principles

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- Independent
- Transparent
- Consistent
- Equitable
- Accessible
- Efficient
- Accountable
- Innovative
- Data Driven
- Engaged



# Michigan's Complicated Judiciary





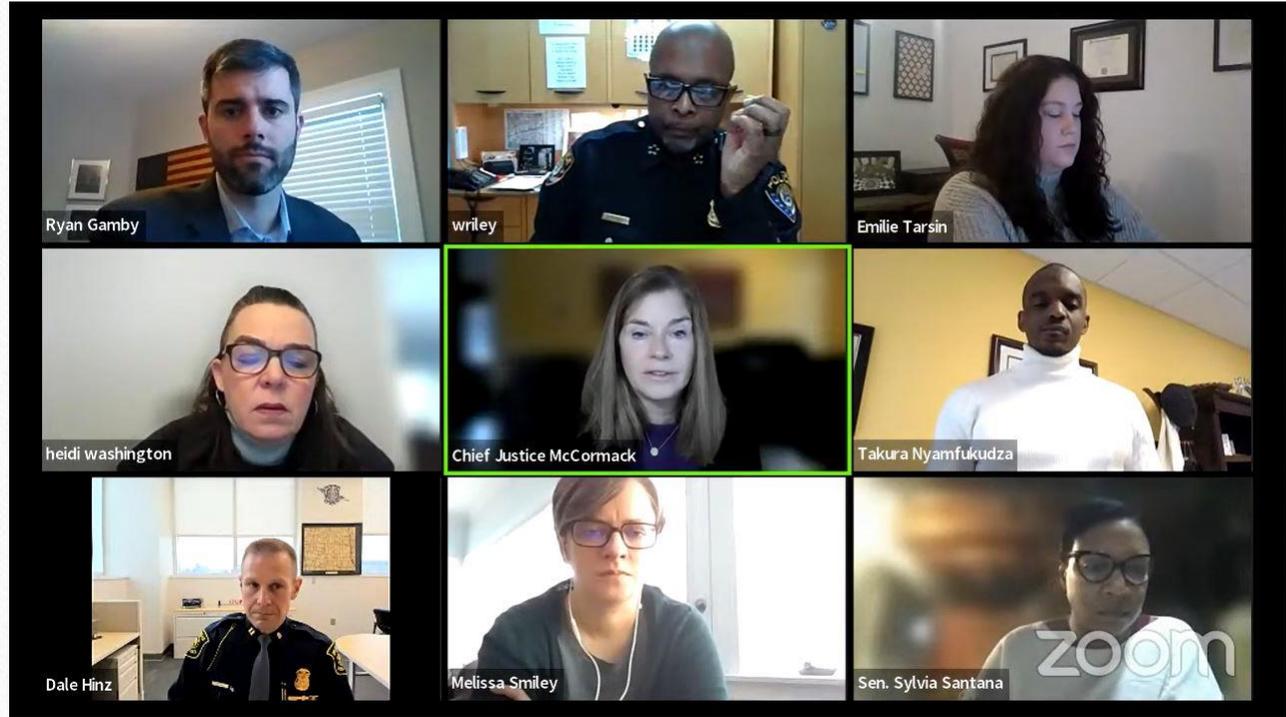
## *Our Goal*

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- *An Innovative, Transparent, and Efficient Justice System that Works for Everyone*



# Joint Task Force on Jail & Pretrial Incarceration and Jail Reform Advisory Council



Jail Reform Advisory Council Meeting - January 6, 2022

*Executive Order No. 2019-10 and Executive Order No. 2021-5*  
Joint Task Force on Jail and Pretrial Incarceration  
Michigan Jail Reform Advisory Council (JRAC)

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**Jails Task Force**

A joint task force to evaluate justice systems in Michigan and to craft recommendations for statewide policy and budgetary changes grounded in data, research, and fundamental constitutional principles, will assist the state in increasing justice-system efficiency and effectiveness and in becoming a national leader in justice-system reform.

**Jail Reform Advisory Council**

The Council must facilitate, assist with, monitor, and evaluate the successful implementation of jail reform legislation throughout the State of Michigan.



# Joint Task Force on Jail and Pretrial Incarceration

## Membership

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Justice Bridget McCormack	Governor Garlin Gilchrist II	Dr. Amanda Alexander	Thomas Boyd	Sheriff Jerry Clayton	Craig DeRoche	Hon. Prentis Edwards, Jr.
William Gutzwiller, Sr.	Dale "DJ" Hilson	Monica Jahner	Dr. Sheryl Kubiak	Lt. Jim Miller	Rep. Mike Mueller	Attorney General Dana Nessel
Takura Nyamfukudza	Bill Peterson	Sen. Jim Runestad	Sen. Sylvia Santana	James Talen	Robert VerHeulen	Rep. Tenisha Yancey



# Jail Reform Advisory Council Membership

Chief Justice Bridget  
McCormack – Chair

Robyn Liddell (as designee  
of Attorney General Dana  
Nessel)

Heidi Washington,  
Director, Michigan  
Department of Corrections

Capt. Dale Hinz (as  
designee of Michigan State  
Police Dir. Col. Joe  
Gasper)

Melissa Smiley (as designee  
of Secretary of State  
Jocelyn Benson)

Deb Cain (as designee of  
Dept. of Health and  
Human Services Dir.  
Elizabeth Hertel)

Jerry L. Clayton, Sr.,  
Sheriff, Washtenaw County

Barbara Hankey, Manager,  
Oakland County  
Community Corrections  
Division

D.J. Hilson, Prosecutor,  
Muskegon County

Takura N. Nyamfukudza,  
Attorney, Chartier &  
Nyamfukudza, PLC

Bill Peterson,  
Commissioner, Alpena  
County

Vasilis K. Pozios, MD,  
Chief Medical Officer,  
Oakland Community  
Health Network; and  
Medical Director,  
NorthCare Network

William Riley, III, Chief,  
Inkster Police Department



# Michigan Enacts Landmark Jail Reforms

Historic legislation aims to reduce incarcerated populations, improve public safety

ISSUE BRIEF | September 23, 2021 | Read time: 14 min

Projects: Public Safety Performance

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Michigan Governor Gretchen Whitmer (D) signs an executive order April 17, 2019, creating the Michigan Joint Task Force on Jail and Pretrial Incarceration.

Nick Hagen for The Pew Charitable Trusts

"Jail is good for removing a dangerous person from society while the courts handle the case. But people also go to jail in huge numbers ... for low-level, nonviolent offenses, for technical violations on their probation rules or simply missing a court date. That's not what jail is for."

Representative Bronna Kahle (R-Adrian), DETROIT FREE PRESS, JULY 22, 2020

DOWNLOADS

Michigan Enacts Landmark Jail Reforms (PDF)

RELATED EXPERTS

Jake Horowitz  
Senior Director  
Safety and Justice



ARTICLE April 13, 2021  
Michigan Offers New Model for Jail Reform



## Jail reforms lead to 50% of Michiganders getting suspended licenses reinstated

**Kara Berg**  
The Detroit News

Published 6:03 p.m. ET Dec. 29, 2022

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A lack of consistent record-keeping and data inconsistencies because of the COVID-19 pandemic have made it difficult to see the impact of a package of jail reforms that were passed in 2020, according to a new report issued by the Jail Reform Advisory Council.

But the council was able to tell the reforms were doing some good, according to the report, especially for restoring driver's licenses to people who had their privileges taken away.

The Michigan Department of State made changes to over 348,000 driving records, which resulted in more than 150,000 residents getting their driver's licenses back, according to a press release.



# Task Force on Juvenile Justice Reform

## Governor's Executive Order 2021-6

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Governor's Executive Order 2021-6: "The Task Force on Juvenile Justice Reform is necessary to lead a data-driven analysis of our juvenile justice system and recommend proven practices and strategies for reform grounded in data, research, and fundamental constitutional principles. This task force will exist as a partnership between county and state leaders, as well as other leaders involved in the juvenile justice system."



# Task Force on Juvenile Justice Reform

## Membership

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Alisha Bell	John Casteel	Cameron Fraser	Jeannine Gant	Steve Hinkley	Karen McDonald	Everette Robbins II	Kimberly Thomas
Marlene Webster	Colbert Williams	Thom Lattig	Chief Justice Elizabeth Clement	Judge Doreen Allen	Judge Karen Braxton	Sen. Kim LaSata	Sen. Sylvia Santana
Rep. Sarah Lightner	Rep. Brenda Carter	Asst. Attorney General Stine Grand	State Superintendent Dr. Michael Rice	Derrick McCree	Jason Smith	Lieutenant Governor Garlin Gilchrist	



Task Force on Juvenile Justice  
Reform Key Recommendation:  
Creation of Juvenile Services  
Division in SCAO.



Recommendations include:

- Expanding diversion opportunities for youth who are not a public safety risk.
- Creating a statewide juvenile public defense system and best practice standards.
- Increasing funding for effective community-based programs, including alternatives to incarceration, and tying funding to evidence-based practices.
- Adopting data-driven tools to guide diversion, court, and detention decisions.
- Strengthening standards and quality assurance for local probation practices and statewide residential programs.
- Expanding data collection to measure system performance, outcomes, and equity



# Michigan Trial Court Funding Commisison

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- The Michigan Legislature created the Trial Court Funding Commission (TCFC), through Act 65 of 2017, to review Michigan's trial court funding system and make recommendations. This legislation was enacted in response to *People v. Cunningham*, a Michigan Supreme Court decision that determined state law does not provide courts with the authority to impose costs upon criminal defendants to fund the day-to-day operation of the courts.



## Task Force on Forensic Science



Governor Gretchen Whitmer created the Michigan Task Force on Forensic Science by Executive Order 2021-04 on April 2, 2021 to advise about the state of forensic science in Michigan and to make recommendations to ensure that the criminal legal system delivers justice for the people of Michigan. Executive Order 2021-15 extended the Task Force through December 31, 2022.



# Task Force on Forensic Science

## Membership

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Christopher R. Bommarito	Kent Gardner	Brandon N. Giroux	Jeffrey M. Jentzen, M.D., Ph.D.	Barbara O'Brien, Ph.D.	Jonathan Sacks
Donald Shelton, Ph.D.	Ruth Smith, Ph.D.	Matthew J. Wiese	Col. Joseph Gasper	Jeff Nye	Attorney General Dana Nessel
Justice Bridget M. McCormack	Judge Paul J. Denenfeld	Sen. John Bizon	Sen. Stephanie Chang	Rep. Robert Bezotte	Rep. Laurie Pohutsky



## Task Force unanimously approved this report on December 13, 2022

17 Recommendations include:

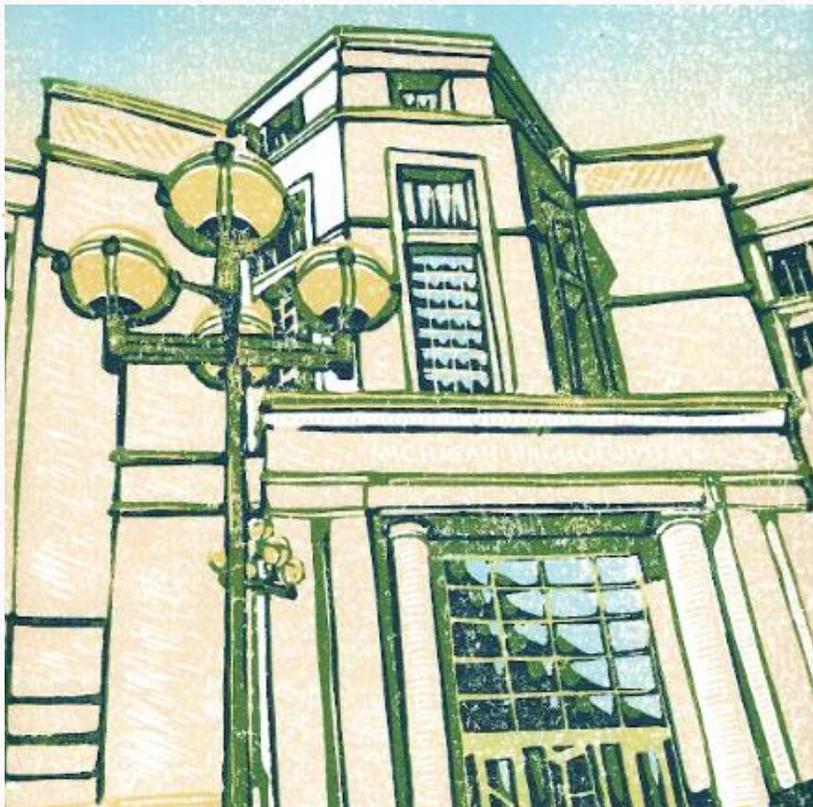
- Create a Forensic Statewide Body
- Require Accreditation of Forensic Science Agencies
- Establish Standardized Statewide Process for Complaints and Investigations
- Establish Model Policies for Disclosing Negligence or Misconduct
- Provide Forensic Science Education and Information



## Michigan Task Force on Forensic Science

Report and Recommendations

December 21, 2022



# Key Initiatives

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- **Problem-Solving Courts**
- **Statewide Case Management**
- **Judicial Resources Recommendations**



# What is SCAO's role in PSCs?

- Manage grant process
- Providing training and conducting certifications
- Providing best practices
- Monitoring performance
- Reporting to the Legislature

State Court Administrative Office  
Trial Court Services  
Problem-Solving Courts

Michigan Association of Treatment  
Court Professionals



## Adult Drug Court Required Best Practices

September 2018



Solving Problems, Saving Lives



**FY 2021** | **PROBLEM-SOLVING COURTS  
ANNUAL REPORT**

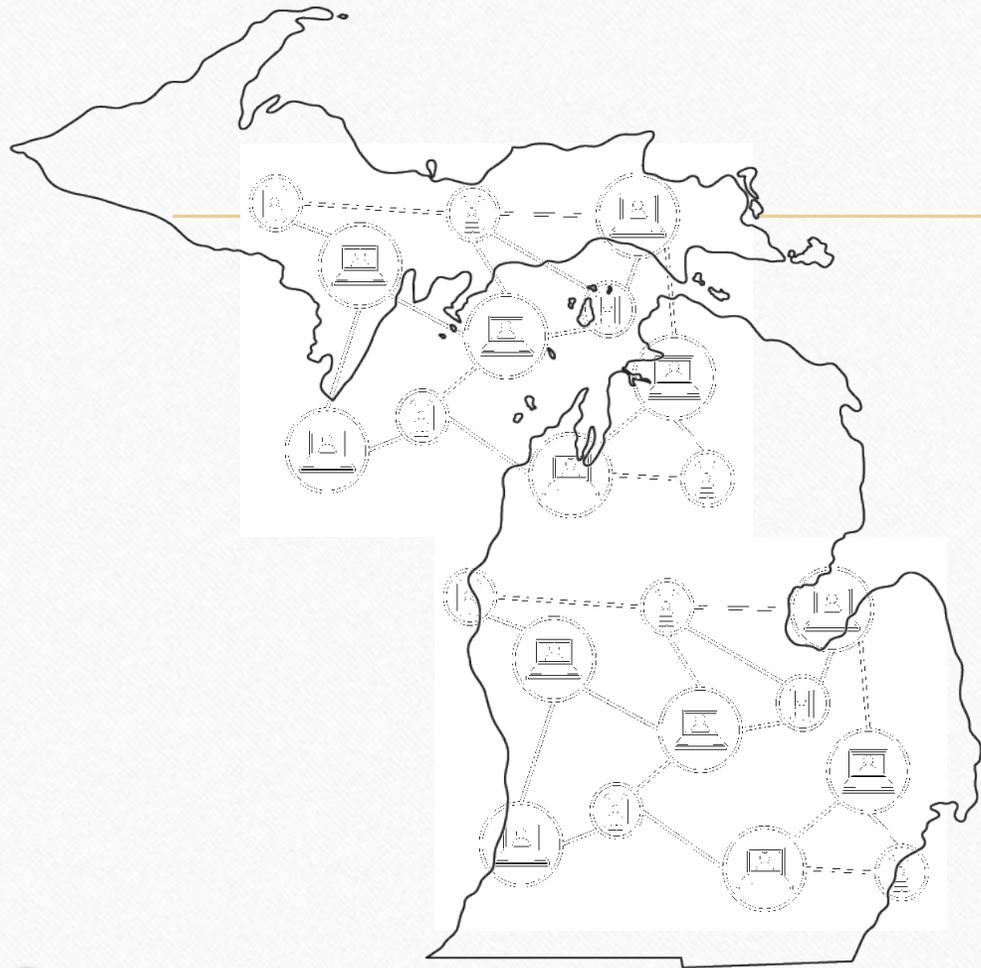


INDEPENDENCE • ACCESSIBILITY • ENGAGEMENT • EFFICIENCY





# Statewide CMS Infrastructure



Governor and Legislature have approved \$150 million to support the development and implementation of a statewide judicial Case Management System (CMS), implementing a significant recommendation of the Trial Court Funding Commission.

A single, state-funded CMS will reduce local court costs, improve data management, bring greater efficiency in court operations, and facilitate rollout of e-filing.



## Better Data Management is Critically Important to Policy-Making

- Pretrial Innovation
- Access to Civil Justice
- Juvenile Justice Reform
- Diversity Equity & Inclusion



Enabling broader use of online court services and resource sharing (e.g., interpreters, secure digital court recording, transcription)



Eliminating the cost to trial courts for providing those services

Eliminating the need for trial court staff to prepare data reports





# Judicial Resources Recommendations

Periodically, the SCAO statistics diversion prepares and publishes this report which makes recommendations for changes in the number of judgeships based on the historic and project workload. Data and information in this report help the State Legislature to either increase or decrease the number of judges to achieve the most efficient balance across courts statewide.

## 2019 JUDICIAL RESOURCES RECOMMENDATIONS

	Range of Total Judgeships Needed		Current Judgeships	Range of Judicial Excess/Need		Recommendation	Pg
<b>Four Reductions by Attrition</b>							
Dickinson, Iron, and Menominee Counties	3.2	4.3	7	-3.8	-2.7	-1 district judgeship or expand concurrent jurisdiction	14
Baraga, Houghton, and Keweenaw Counties		1.7		4.5	-2.8	Create probate court district of Houghton and Keweenaw with 1 probate judgeship or -1 district judgeship	17
36 <sup>th</sup> District Court – City of Detroit	26.5	26.4	29	-2.5	-2.6	-2 district judgeships or explore assignments to Wayne County	20
<b>Eight Additions</b>							
Wayne County	78.5	65.9	64	+14.5	+1.9	+3 circuit judgeships or +1 circuit judgeship and explore assignments from 36th District	23
Macomb County	24.9	20.2	19	+5.9	+1.2	+1 circuit judgeship	25
Kent County	21.6	27.0	17	+4.6	+10.0	+1 circuit, +1 probate, and +1 district judgeships	27
Muskegon County	11.1	11.1	10	+1.1	+1.1	+1 circuit judgeship	29
Ottawa County	10.0	10.3	9	+1.0	+1.3	+1 circuit judgeship	31
<b>Two Mergers and Reversals of Pending Reductions</b>							
Lake and Mason Counties	2.5	2.4	3	-0.5	-0.6	Merge four counties into one circuit court and one district court, then +1 district judgeship	34
Newaygo and Oceana Counties	4.5	4.9	4	+0.5	+0.9		
Huron County		1.6		2	-0.4	Create probate district court, then +1 probate judgeship	37
Sanilac County		2.0		2	0.0		



## ONLINE INFORMATION AND SOCIAL MEDIA

ONE COURT OF JUSTICE WEBSITE

[courts.mi.gov](http://courts.mi.gov)



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